

14-14C. Administrative Actions through Consent Orders (1200 TN 349)

1. AUTHORITY. After giving notice to the affected state, to take administrative action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including sections 104, 106, and 122, including, but not limited to, issuing such orders on consent as may be necessary to protect public health and welfare and the environment.

2. TO WHOM DELEGATED. Director, Hazardous Site Cleanup Division (HSCD).

3. LIMITATIONS.

- a. This authority does not include recovery of response costs under CERCLA section 122(h) or settlements with de minimis parties under CERCLA section 122(g).
- b. The delegates must obtain advance concurrence of regional counsel on the legal sufficiency of the action before exercising these authorities.
- c. The delegates must obtain the concurrence of the Attorney General or his/her designee when issuing Unilateral Administrative Orders (UAOs) to other federal agencies.
- d. The delegates should exercise this authority consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart," or successor documents, as appropriate.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the branch chief level, and no further. The authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.


5. ADDITIONAL REFERENCES.

- a. Applicable U.S. Environmental Protection Agency guidance and directives.
- b. Authority to enter into or exercise EPA concurrence authority for non-judicial cost recovery agreements or administrative orders under CERCLA section 122(h) is delegated in Agency Delegation 14-14D, "Cost Recovery Non-Judicial Agreements and Administrative Consent Orders."

c. Authority to enter into or exercise agency concurrence authority in de minimis settlements under CERCLA section 122(g) is delegated in Agency Delegation 14-14E, "De Minimis Settlements."

6. SUPERSESSION. Delegations Manual, CERCLA, Regional Delegation 14-14C.
Administrative Actions Through Consent Orders, 1200 TN RIII-132 (April 27, 1999).

Date 6/2/2017


Cecil Rodrigues
Acting Regional Administrator